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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,694	04/04/2001	Behnam Azvine	36-1449	5931
23117 7590 11/19/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
			EXAMINER BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT 2195	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/806,694

Applicant(s)

AZVINE ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,16-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12,16-18 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 2-5, 7, 8, 10 and 12 are withdrawn in view of the newly discovered reference(s) to "Coordinating Management Activities in Distributed Software Development Projects." by Bendeck; and U.S. Patent 6,009,333 (Chaco) and U.S. Patent 4,819,191 (Scully). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

2. Claim 23 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim in its present format depends on a canceled claim.
3. Claim 25, details "...which diary is response to inputs **form** the execution means". The identified word should be "from".

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim details a tangible storage medium. Support can only be found for a storage medium, not a tangible storage medium.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3-12, 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant details "wherein, when **the input** comprises a change". The examiner assumes Applicant means the input received by the receiving means and not the input received by the scheduling means, however, the claims should make this distinction. Item iii also details "receiving a user workload input representative of user workload identifying...". It appears that "information" should follow the second occurrence of "user workload". The same logic applies to claims 3, 8, 10, 12, 16, and 17. Claim 3 details "a duration of the or each task". There appears to be a word missing, clarification is requested.

8. Claim 8 details means operation to concurrently execute a plurality of processes which has no relationship to the rest of the claims. There appears to be a gap between having the capability of executing multiple processes and scheduling a notification of a task.

9. Claim 16 recites the limitation "the apparatus" in line 7. There is insufficient antecedent basis for this limitation in the claim. The claim limitations are related to an apparatus however, the claim is directed to a storage medium.
10. Claim 7 recites the limitation "the execution means" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-10, 12 and 21-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The cited claims detail an apparatus having a plurality of means, wherein all of the cited means is software. Therefore, the cited apparatus is a software apparatus and thus is software per se, because the apparatus does not fit the statutory category of a product, i.e. a computer system. The claims state that the apparatus has an intended usage to a computer system however, the claim directly is related to the apparatus and not the computer system. The connection of the computer system to the apparatus would have to be claimed for the computer system to make the apparatus claim statutory and not the intended usage of the computer system, e.g. language of an apparatus for controlling the communication loads placed upon a human user by a computer system is an intended usage and not a claim limitation that details that the apparatus is actively

controlling the communications loads placed upon the computer system.. A way to rectify the problem would be a computer system comprising an apparatus that controls the communication loads placed upon a human user using the computer system provided that computer system is defined in the specification as not just software.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3-10, 12, 16-18, and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Coordinating Management Activities in Distributed Software Development Projects" by BENDECK et al in view of SCULLY (U.S. Patent 4,819,191) and CHACO (U.S. Patent 6,009,333).

As to claim 1, BENDECK teaches an apparatus (architecture) for controlling the communication loads placed upon a human user (agent / engineer / user) by a computer system, the computer system comprising a plurality of information management systems, each of the information management systems (computers / tools / resources belonging to the agent / engineer / user who performs the scheduled task) being operable to assist and communicate with the human user, the apparatus comprising: receiving means for receiving at least one input (scheduled process / plan) from a human user, representative of at least one task of a first type to be performed by

the information management system and for receiving information (notification) resulting from the performance of the at least one task of the first type from the information management system; generating means for generating a task of a second type (notification message generated via the Notification System) for communicating the received information to the human user (pg. 2, Notification system & Dependency and change management, "To coordinate management activities and to inform other managers and technical agents about changes, a sophisticated notification system, as well as to-do lists for both management and technical roles, must be provided by the SEE...local changes to project information must be propagated in order to identify all project information effected by the change..."); scheduling means for: receiving a user workload input representative of user workload identifying the human user's current and future activities (via the Kernel Component that has a Resource Repository to maintain and reevaluate a plan) (pg. 4, The Kernel Component, "The Kernel Component maintains the plan and schedule as well as the project's execution state. It tracks dependencies between planning, scheduling and execution activities, And implements a notification system that keeps the concerned agents up to date on changes..the Resource Repository provides a complex resource system that represents roles, properties and skills of agents, as well as their Workload. The Project Plan Management handles the project plan and schedule..."); and scheduling an execution time for the at least one task of a second type for communicating the received information to the human user (via the Notification system notify the user of execution state / results of the task / process scheduled to the user / agent / engineer); wherein,

the input comprises a change to a previously received input such that the scheduling means is operable to change the execution time associated with the previously received input (via rescheduling / replanning the task during enactment) (pg. 2, Replanning and rescheduling support during enactment, "Changes to the plan and/or schedule might become necessary during enactment. Replanning and rescheduling should be supported by notifying all team members concerned by the change.; pg. 3, Scenario from the Perspective of a Project Manager, "An agent has to finish a process by a given deadline. The system has already sent a message to the agent to remind him/her of this process. If the process has not been finished by the assigned end time, the Project Manager receives a corresponding notification from the system....Depending on the reason for the delay, the PM will have to take corrective actions. For example, if the agent has to perform other process with higher priority, his / her workload has to be reduced and the process rescheduled for a later time. If other processes depend on the delayed process' output, the delay must be propagated to subsequent processes which will result in a correction of their start and end times...The Project Manager gets a notification that an agent is on sick leave. He/she needs to be assigned a new agent for the process...Based on this information the Project Manager will change the schedule, which will trigger a message to the selected agent."; pg. 5, (2) Scheduling support, "...allows the Project Manager (and if necessary, technical agents) to assign processes to agent and determine start and end times for them. The Dependency Management tracks the dependencies between these scheduling decisions and other activities during project planning and execution, and notifies all concerned agents in case of occurring



changes.”). However, BENDECK does not teach the rescheduling of previous input thereby rescheduling the execution time of a task of the second type.

SCULLY teaches a system for scheduling a calendar event wherein when the event is scheduled a task of a second type for communicating the received information to the human user (notification task) is scheduled for an execution time (trigger time) (abstract) such that when the input comprises a change to a previously received input (calendar event is moved or canceled), the scheduling means for operable to change the execution time associated with the previously received input, thereby rescheduling communication of the information associated with the previously received input (automatically rescheduling the trigger time for executing the trigger function) (col. 26, lines 4-12). It would be obvious to one of ordinary skill in the art that the calendar event is the scheduling the performance of a task on the calendar of an engineer / agent. Therefore, it would be obvious to combine the teachings of BENDECK with the teachings of SCULLY in order to automatically establish the correct time for the trigger to be activated from the data entered and the calendar system (col. 4, lines 47-54).

CHACO teaches a scheduling system wherein the in response to a scheduled meeting time being attained, accessing the user schedule information of a first user and selectively accessing the locator system to retrieve the location information of the user and at an appropriate time, the user schedule information triggers the locator system and the system to locate and call the first user to provide a scheduled notification message (col. 9, lines 40-60; col. 10, lines 7-20; col. 11, lines 41-52; col. 12, lines 5-20). Thereby the combination of BENDECK, SCULLY and CHACO teaches that the

notification is scheduled based on the users current and future activities since the schedule is considered in determining where, and if to send the notification. Therefore, it would be obvious to one of ordinary skill in the art to combine the teachings of BENDECK with the teachings of SCULLY and CHACO in order to facilitate scheduling notification messages for user's schedules.

As to claim 16, reference is made to a tangible storage medium that corresponds to the apparatus of claim 1 and is therefore met by the rejection of claim 1 above.

As to claim 17 and 18, reference is made to a method that corresponds to the apparatus of claim 1 and is therefore met by the rejection of claim 1 above.

As to claim 20, refer to claims 16 and 17 for rejection.

As to claims 3-5 and 7, refer to claim 1 for rejection. Claim 3 further details wherein the apparatus further includes a world model wherein the model comprises at least one parameter associated with each input, and is accessible to the scheduling means wherein the parameter includes at least one of a start time of each task, a deadline time of each task, a duration of the task and / or interruption status of the human user wherein the interruption status is specified by an entity for allowing or not allowing interruptions to the human user. CHACO teaches at least one parameter (interruption status) associated with each input (scheduled meeting), and is accessible

to the scheduling means wherein the interruption status is specified by an entity for allowing or not allowing interruptions to the human user (col. 10, lines 31-45; col. 12, lines 5-29). The scheduling means uses the locator system to determining the interruption status, therefore the locator system, which indicates the locations of the user based on its calendar that the location information / locator system is the world model.

As to claim 6, CHACO teaches means for storing human user preference information (via whether a user wants to be disturbed or not), which user preference information includes preferred actions (disturbing the user thereby receiving notifications or not disturbing the user thereby not receiving notifications) of the human user relating to task information (via sending / not sending notifications based on the input of the user that is accessed by the scheduling means to send the notification) (col. 10, lines 31-45; col. 12, lines 5-29).

As to claim 8, refer to claim 1 for rejection. Claim 8 further details a means operable to concurrently execute a plurality of processes. BENDECK teaches performing the operation of replanning and rescheduling during the execution phase (pg. 5, (5) Replanning and rescheduling support during enactment...."). Since the Project Plan management handles the project planning and scheduling and the workflow engine handles the project trace, and management the project execution, these components, e.g. processes, are concurrently executing.

As to claim 9, CHACO teaches the information management system include a telephone assistant (abstract).

As to claim 10, refer to claim 1 for rejection. Claim 10, further details means responsive to an input signal indicative of a state of mind of a human user, wherein the scheduling means is further arranged to schedule an execution time for a task in dependence on the received input. BENDECK teaches means responsive to an input signal indicative of a state of mind of a human user, wherein the scheduling means is further arranged to schedule an execution time for a task in dependence on the received input (pg. 3, Scenario from the Perspective of a Project Manager, "An agent has to finish a process by a given deadline. The system has already sent a message to the agent to remind him/her of this process. If the process has not been finished...Depending on the reason for the delay, the PM will have to take corrective actions. For example, if the agent has to perform other process with higher priority his/her workload has to be reduced and the process rescheduled for a later time.").

As to claim 12, refer to claim 1 for rejection. Claim 12 further details wherein the receiving means (i) is further operable to receive the input indicative of an interruption status for the user. CHACO teaches the receiving the input indicative of an interruption status for the user (via the user designating a DO-NOT-DISTURB and / or RING-WHEN ALONE) (col. 10, lines 31-45; col. 12, lines 5-29).

As to claims 21-23 and 25, refer to claims 3-5 and 7 for rejection.

As to claim 24, refer to claim 6 for rejection.

As to claims 26 and 27, refer to claims 8 and 9 for rejection.

As to claim 28, refer to claim 10 for rejection.

As to claim 29, refer to claim 12 for rejection.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1, 3-10, 12, 16-18 and 20-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

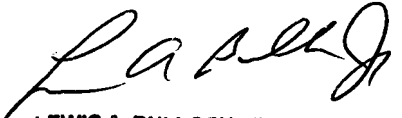
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 12, 2007

  
LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER